

Application No.: 09/771054

Case No.: 56147US002

REMARKS

Reexamination and reconsideration of the application is respectfully requested.

Again Applicants object to the recharacterization of Applicant's specific cosmetic method is merely a method of coating. The references Gaa and Chang teach methods for coating porous materials so as permanently modify the surface characteristics of the coated materials. Assuming that is appropriate to combine these two references, which Applicants submit that it is not, there would be no teaching or motivation to use the compositions taught in these specific references to treat a person's skin or nails. One standing in the shoes of de la Poterie would not be looking towards either of Gaa or Chang as appropriate coating compositions for use in their particular application. Certainly one in the shoes of de la Poterie would not be motivated to modify Gaa with Chang to make a variation of these two compositions so as to provide a coating that would be appropriate for use on a person's skin or nails. Rather one in the cosmetic field would look at polyurethanes or ureas which had been identified as suitable for use in cosmetic type applications. It is inappropriate to "in the abstract" say it would be obvious to make the composition claimed with the intent to use that composition in a manner that would antithetical to the uses disclosed in of Gaa and Chang. There must be a motivation or a suggestion in order to first combine these two industrial use references for the intended purpose of forming a composition having a cosmetic use are claimed. One cannot start in the abstract divorced from the context of the claimed invention saying that a specific composition is obvious and therefore its use in any and all possible uses of would also be obvious. This approaches the issues of obviousness from the wrong direction. Applicants would again refer to the exp parte case, Abba's (Appeal No. 2005-0944) which clearly is an analogous to the present rejection.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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Date

Office of Intellectual Property Counsel
3M Innovative Properties Company

By: 

William J. Bond, Reg. No.: 32,400
Telephone No.: 651-736-4790

Facsimile No.: 651-736-3833